

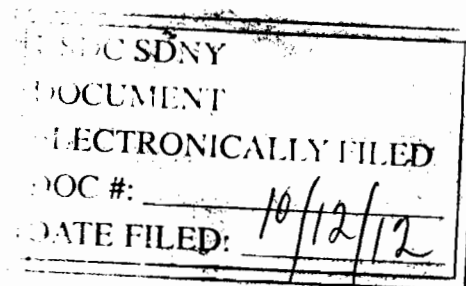


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October 10, 2012

The Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Suite 660  
New York, New York 10007-1312

BY FACSIMILE to (212) 805-6382



Re: *NES Financial Corp. v. JPMorgan Chase Bank, N.A.*, No. 11-cv-3437 (S.D.N.Y.)

Dear Judge Marrero:

We represent plaintiff NES Financial Corp. in this matter. As counsel for both parties discussed with your law clerk Mr. Trapman earlier this afternoon, we write to confirm that both parties have agreed to present their damages experts and conduct any other remaining trial proceedings on Thursday, November 8, 2012. Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature of Robert K. Kry, consisting of a stylized 'R' and 'K' followed by a long horizontal stroke.

Robert K. Kry

cc: All counsel (by e-mail)

